

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's rules) CC Docket No. 94-102
to ensure compatibility with) DA 98-2631
enhanced 911 emergency calling systems)

To: The Commission

REQUEST FOR WAIVER
OF NEXTEL COMMUNICATIONS, INC.

I. INTRODUCTION

Pursuant to the December 24, 1998 Public Notice ("Notice") of the Federal Communications Commission ("Commission"),^{1/} Nextel Communications, Inc. ("Nextel") respectfully submits this request for waiver regarding the scheduled implementation of Phase II Enhanced 911 ("E911") services pursuant to Section 20.18(e) of the Commission's Rules.^{2/}

Section 20.18(e) requires subject carriers, by October 1, 2001, "to provide the location of all 911 calls by longitude and latitude such that the accuracy for all calls is 125 meters or less using a Root Mean Square (RMS) methodology."^{3/} In the Notice, the Commission acknowledges the possibility that Section 20.18(e) may not be "technologically and competitively neutral for some

^{1/} Public Notice, "Wireless Telecommunications Bureau Outlines Guidelines For Wireless E911 Rule Waivers For Handset-Based Approaches To Phase II Automatic Location Identification Requirements," DA 98-2631, released December 24, 1998.

^{2/} 47 C.F.R. Section 20.18(e).

^{3/} Notice at p. 1.

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technologies" since some carriers are now considering the implementation of handset-based technologies such as those using the GPS satellite system.^{4/} Fulfilling Section 20.18(e)'s October 1, 2001 deadline with handset-based technologies would require a carrier to recall all of its outstanding mobile handsets to ensure Phase II capabilities for every handset operating on its network. Recognizing that such a recall would be cost-prohibitive, the Commission released the Notice to provide guidelines for seeking waiver of Section 20.18(e) to permit the use of handset-based solutions without having to recall all existing handsets.^{5/}

II. REQUEST FOR WAIVER

Although Nextel has not yet arrived at an E911 Phase II solution, it is in the process of exploring the products offered by various vendors, and reviewing, analyzing and studying several methodologies for providing E911 Phase II accessibility to its customers. Among the solutions Nextel is considering are network-based and handset-based methodologies. Therefore, Nextel is submitting this request on February 4, 1999, as "recommended" in the Notice, to inform the Commission that its ultimate E911 Phase

^{4/} *Id.*

^{5/} In the Report and Order establishing E911 Phase I and Phase II requirements, the Commission presumed --based on the record at that time -- that location solutions would be network-based. Assuming network-based solutions, the Commission established a singular cut-over date for all mobile handsets to be E911 Phase II compliant. See Memorandum Opinion and Order, 12 FCC Rcd 22665 (1997) at para. 123, citing Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996) at para. 111.

II solution may be handset-based, thus necessitating a waiver of Section 20.18(e).

Should Nextel conclude that a handset-based solution most effectively and efficiently meets the needs of its customers, Nextel will submit a waiver request to the extent the Phase II capabilities would not be available to Nextel customers with pre-existing mobile handsets not equipped with the Phase II technology. Such a waiver request will be filed in a timely fashion prior to the October 1, 2001 deadline, and will ensure that Nextel's solution provides the "rapid, efficient and effective deployment of [Automatic Location Information] as part of E911, in order to promote the public safety and welfare."6/

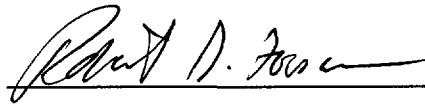
Given the significance of waiving Section 20.18(e)'s requirement that all mobile handsets be Phase II compliant by October 1, 2001, and the extensive analysis and evaluation that is required in finding the most appropriate solution, Nextel cannot believe that the Commission intended for its Notice to establish a cut-off date for seeking waivers of Section 20.18(e). February 4, 1999 is nearly three years prior to the Phase II implementation date -- a point at which many carriers, such as Nextel, may not have arrived at a solution. Additionally, the Notice provided carriers only seven weeks' notice that a waiver should be requested. Enforcing February 4, 1999 as the only date on which waivers are accepted would be arbitrary and capricious, and should not preclude future waiver requests.

6/ Notice at p. 3.

III. CONCLUSION

Nextel personnel continue to review possible E911 Phase II solutions, including handset-based solutions that would likely require a waiver of Section 20.18(e). Therefore, Nextel is submitting this request to reserve its right to seek a future waiver of Section 20.18(e) if and when such waiver is necessary.

Respectfully submitted,



Robert S. Foosaner
Vice President
and Chief Regulatory Officer

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
1450 G. Street, N.W.
Suite 425
Washington, D.C. 20005
202-296-8111

Date: February 4, 1999